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# Canada's New Government Amends the Criminal Code to Stop Film Piracy

**OTTAWA, June 1, 2007** – Canada's New Government is amending the *Criminal Code* in order to deter the unauthorized recording of movies – camcording–in movie theatres in Canada.

"Canada's New Government is taking action to curb film piracy by bringing forward amendments to the *Criminal Code* of Canada. Piracy and mass copying of films has had a significant and direct impact on the entire film industry, including producers, directors, actors and creators," said the Honourable Beverley J. Oda, Minister of Canadian Heritage and Status of Women. "The Government is acting to increase protection for their works."

"The amendments to the *Criminal Code* will make it possible to more effectively combat illegal copying of films," said the Honourable Robert Douglas Nicholson, Minister of Justice and Attorney General of Canada. "Canada is thus taking its place among the countries that have adopted legislation on this activity, making it a criminal offence."

"The existing situation is untenable for the film industry," said the Honourable Maxime Bernier, Minister of Industry. "The Government is taking note and correcting the situation. Canada is therefore ensuring that our laws protect the legitimate film industry and continue to be relevant in a fast-changing technological environment. In these circumstances, Canada's New Government is taking the measures needed to facilitate film distribution and to support the development of this industry in Canada."

Canada's New Government has introduced today an Act to amend the *Criminal Code* (unauthorized recording of a motion picture) to directly confront the problem of film piracy. It will amend the *Criminal Code* to create two offences: the recording of a movie in a movie theatre without the consent of the theatre manager; and the recording of a movie in a movie theatre without the consent of the theatre manager for the purpose of selling, renting, or other commercial distribution of a copy of the recorded movie. It will also provide the court with the authority to order the forfeiture of anything used in the commission of these offences. An online version of the legislation will soon be available at www.parl.gc.ca.

**Information:**

Véronique Bruneau
Press Secretary
Office of the Minister of Canadian Heritage
and Status of Women
819 997-7788

Donald Boulanger
A/Chief, Media Relations
Canadian Heritage
819 994-9101

**Backgrounder**

The proposed legislation is aimed at deterring the unauthorized recording of movies (camcording) in movie theatres in Canada. The Canadian Motion Pictures Distributors Association (CMPDA) claims camcording not only impacts its members financially, but also potentially affects: employment in Canada, the cultural exports market, legitimate Canadian distributors, theatre owners, retailers, film rental businesses, and tax revenues to governments.

The *Copyright Act* currently contains a provision that makes it illegal to camcord a movie if that recording is connected to copyright infringement. Camcording for the purpose of commercial redistribution ( makinga copy of workfor sale or rental) is considered an offence under section 42 of the *Act* . . However, from the film industry's perspective, it is almost impossible to prove that the person camcording intends to make a copy for commercial distribution (sale or hire). Typically, a person accused of camcording will claim to be making a copy for personal use.

Currently, people found camcording in theatres can be ejected by theatre management pursuant to trespass legislation, but in the absence of any other evidence they will not be charged with an offence. Moreover, trespass legislation does not confer on theatre management the authority to seize the recording equipment or recordings.

In response to the rising camcording problem, the United States Congress enacted the *Family Entertainment and Copyright Act of 2005* to create a criminal offence for any person to camcord in a movie theatre without the authority of the copyright owner. Similar legislation has been enacted in 38 US states and the District of Columbia. Mexico has introduced similar legislation and on May 24, the Japanese parliament enacted anti-camcording legislation that will take effect in August 2007. The new Canadian legislation will ensure that the film industry in Canada is protected by rules comparable to those of our major trading partners.

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All times are reflected in Atlantic time

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